

REMARKS

Reconsideration of the application in light of the amendments and following remarks is respectfully requested.

Status of the Claims

Claims 1-8 were previously pending.

Claims 1 and 7 have been amended. No new matter has been added by way of this amendment.

Claim 8 has been cancelled without prejudice or disclaimer of the subject matter therein.

Claim 9 has been added. No new matter is added.

Claims 1-7 and 9 are presently pending.

Objections to the Claims

Claims 1 and 7 are objected to for informalities. These claims have been amended pursuant to the Examiner's instructions. Further, a similar amendment to that which was suggested by the Examiner regarding claim 7 was also made in claim 1.

Double Patenting

The Examiner states that claims 1 and 8 will be objected to under 37 CFR 1.75 for double patenting if found allowable. The Examiner states that the terms "engages" and "contacts" are synonymous.

Applicants respectfully submit that the words engage and contact have a different scope, and are not synonymous. Further claim 1 recites that the flexible member "regulates movement of the shaft body in a longitudinal direction." In contrast, previously presented claim 8 did not include this feature. Additionally, claim 8 has been cancelled. Thus, the potential double patenting objection is moot.

Rejections Under 35 U.S.C. § 102

Claims 1-6 and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,358,350 to Oertle. The Examiner states that Oertle discloses all of the features of claims 1-6 and 8. Applicants respectfully traverse the rejection.

Claim 1 recites a flexible member which “engages the positioning recess such that it regulates movement of the shaft body in the longitudinal direction.” In contrast, Oertle discloses resilient tongues 24 that rest on a surface of the shaft journal 12. The tongues 24 prevent the coupling member 1 from moving down with respect to the shaft journal 12. Accordingly, the resilient tongues of Oertle regulate movement of the shaft in the depth direction of the engagement groove. The resilient tongues do not regulate movement in the longitudinal direction. Thus, Oertle does not disclose a flexible member which “engages the positioning recess such that it regulates movement of the shaft body in the longitudinal direction.” Further, claim 1 recites a “flexible member which is provided, in a longitudinal direction of the shaft joint, on an outer side of the shaft joint.” In contrast, the resilient tongues of Oertle lie entirely within the engagement groove with respect to the longitudinal direction of the shaft joint. Thus, Oertle does not disclose each and every feature of claim 1. Thus, claim 1 is patentable over Oertle. Claims 2-6 depend from claim 1 and are patentable for at least the same reasons as claim 1.

Further, with respect to claim 6, the Examiner states that “the coupling is free to rotate that there is no fixed point relative to earth. For instance, the top becomes a side and vice versa when the coupling structure is rotated by 90 degrees” (Detailed Action, page 4, paragraph 4). Applicants recognize that the descriptors ‘top’ and ‘side’ have no fixed meaning with respect to the orientation of the coupling in the drawings, as the coupling may rotate with respect to the earth. However, Applicants have defined the top face as that which is “adjacent the coupling shaft.” Face 14 of Oertle, which the Examiner contends is the “top face,” is not the face of Oertle’s shaft journal that is adjacent the coupling shaft. The face adjacent the coupling shaft in Oertle is face A5 as shown in the figure on page 8 of the Detailed Action. Thus, the top face of Oertle is face A5. The positioning recess referenced by the Examiner, indentation 10 of Oertle, is clearly positioned in the top face. Claim 6 recites a “positioning recess being disposed in the side face of the shaft body.” This is not disclosed by Oertle. Accordingly, claim 6 is further patentable over Oertle.

Rejections Under 35 U.S.C. § 103

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,474,898 to Aota et al. (“Aota”), in view of Japanese patent JP8-338440 (“JP ‘440”). The Examiner states that Aota discloses most of the features of the claimed invention but admits that Aota does not disclose a flexible member with the features recited in claim 7. The Examiner states that JP ‘440 discloses a coupling structure with a flexible member provided on an outer side of a shaft joint to retain a shaft body along an axial direction of the shaft body, the shaft body having a positioning recess close to an end portion thereof to be engaged by the flexible member, and the flexible member extending in a longitudinal direction of the shaft body and engaging with the positioning recess. The Examiner states that it would have been obvious to combine the flexible member disclosed by JP ‘440 with the coupling structure of Aota to produce the claimed invention. Applicants respectfully traverse the rejection.

Claim 7 recites a flexible member “engaging with the positioning recess in a longitudinal direction of the shaft body.” In contrast, the flexible member 37 of JP ‘440 is flexible in the direction of the axis of bolt 15. The flexible member 37 of JP ‘440 presses on the shaft surface 47 of the shaft, preventing movement of the shaft in the depth direction of the yoke. JP ‘440 does not engage “the positioning recess in a longitudinal direction of the shaft body.” The Examiner presented no indication that this feature is met by JP ‘440. The combination of Aota and JP ‘440 does not disclose each and every feature of claim 7. Accordingly, claim 7 is patentable over the cited references. Applicants request reconsideration and withdrawal of the rejection.

CONCLUSION

Each and every point raised in the Office Action, dated July 21, 2006, has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that pending claims 1-7 and 9, as amended, are in condition for allowance and it is respectfully requested that the pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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